APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,625	07/05/2001	Alan Edward Kaplan	Kaplan 2000-0225	5146

		EXAMINER
7590 02/26/2004		HOOSAIN, ALLAN

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ART UNIT	PAPER NUMBER
2645	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)
Office Action Summary	09/899,625 ●	●	KAPLAN, ALAN EDWARD
	Examiner		Art Unit
	Allan Hoosain		2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *Amendment C, 113/04*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29 and 31-44* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) *16,29 and 31-34* is/are allowed.
6)☒ Claim(s) *1-3,6,7,9-11,13,14,17-23,25-27,29,31,34,35,40,41,43 and 44* is/are rejected.
7)☒ Claim(s) *4,5,8,12,15,24,28,32,33,36-39 and 42* is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
        1.☐ Certified copies of the priority documents have been received.
        2.☐ Certified copies of the priority documents have been received in Application No. _____.
        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1.   Claims 16, 29,31-34 is allowed.

2.   Claims 4-5, 8,12,15,24,28,32-33,36-39,42 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all of the

limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

4.   Claims 1,17-18,35,40-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to

comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. The claims recite a first port and, or, a second port. Applicants have not

pointed out where in the disclosure these limitations are supported, nor does there appear to be a

written description of the claim limitations as filed.

5.   Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the

written description requirement. The claim(s) contains subject matter which was not described

in the specification in such a way as to reasonably convey to one skilled in the relevant art that

the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claim recites an analog port and an output port. Applicants have not pointed out where in

the disclosure these limitations are supported, nor does there appear to be a written description of

the claim limitations as filed.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3,6-7,9-11,13-14,17-23,25-27,29,31,34-35,40-41,43-44 are rejected under 35

U.S.C. 102(b) as being clearly anticipated by **Stork et al**. (US 5,710,816).

As to Claims 1,13, with respect to Figures 1-3, **Stork** teaches a sender, 304, (coupler) having a

first port, 310, and a second port, 301, comprising:

 a first interface circuit, 307 to 310, connected to said first port for interacting with a

receiver, 305, (telephone answering system) (Figure 3);

 a second interface circuit, 307 to 301, connected to said second port (Figure 3);

 an encryption module, 307, that is interposed between said first interface circuit and said

second interface circuit for encrypting voice information that is received at said first port for

delivery to said second port (Figure 1); and

flow diagram (a controller) for coupling said first interface circuit, said encryption module, and said second interface circuit, causing dialing (ringing signals) to be applied by said first interface circuit to said first port in response to a certifiable voice signal (verified request) from said second port to gain access to recording information in said telephone answering system (Figure 1 and Col. 2, lines 16-34).

As to Claim 2, **Stork** teaches the coupler of claim 1 where said encryption module encrypts all signals set for delivery to said second port (Col. 4, lines 16-28)

As to Claim 3, **Stork** teaches the coupler of claim 1 where said encryption module, in response to signals from said controller, encrypts some signals set for delivery to said second port, and leaves other signals set for delivery to said second port unencrypted (Figure 1, label 104 and Col. 2, lines 44-52).

As to Claims 6-7, **Stork** teaches the coupler of claim 1 where said first port is an analog port adapted for connection to a telephone-answering device (Figure 3).

As to Claims 9,19-23,25-27, **Stork** teaches the coupler of claim 1 where said request to gain access is verified when a signal received at said second port includes a correct code (password) that is recognized by said controller as bona fide (Col. 3, lines 34-37).

As to Claim 10, **Stork** teaches the coupler of claim 1 where said controller causes application of

DTMF codes to said first port in response to control signals arriving at said second port (Col. 2,

lines 38-43).

As to Claim 11, **Stork** teaches the coupler of claim 10 where, in response to some control signals

arriving at said second port said controller modifies its operating characteristics (Col. 2, lines 30-

38).

As to Claims 14,17, with respect to Figures 1-3, **Stork** teaches an arrangement comprising a

receiver, 305, (telephone answering system) having an analog port, 310, and a coupler, 304,

comprising:

a first interface circuit, 307to 310, within said coupler connected to said analog port

(Figure 3);

a second interface circuit, 307 to 301, connected to an output port of said coupler (Figure

3);

an encryption module, 307, interposed between said first interface circuit and said second

interface circuit for encrypting voice information that is received at said analog port for delivery

to said output port (Figure 2); and

flow diagram (a controller) for coupling said first interface circuit, said encryption module,

and said second interface circuit, causing dialing (ringing signals) to be applied by said first

interface circuit to said analog port in response to a certifiable voice signal (verified request)

from said second port to gain access to information in said telephone answering system (Figure 1

and Col. 2, lines 16-34).

As to Claim 18, with respect to Figures 1-3, **Stork** teaches a telephone answering system, 305

and 304, comprising:

a first port, 310,

an interface circuit, 307-310, connected to said first port and conditioned for

communication with a microphone (telephone instrument) connected to said first port;

flow diagram (a controller) for interacting with said interface circuit, said controller having

a memory and program modules stored in said memory, including a telephone answering

program module (Figure 1 and Figure 3, labels 320,309); and

an interface circuit, 307 to 301, coupled to said controller, for interfacing with a second port

, 301,of said telephone answering system (Figure 1);

where said controller interacts with said first port, under control of said telephone answering

software module, via said interface circuit, to store messages within said memory, and said

controller interacts with said second port to (a) receive a request to send messages stored in said

memory, (b) confirm that said request is bona fide, (c) retrieve a message from said memory, (d)

encrypt said message with said encryption program module to form an encrypted message, and

(e) send said encrypted message to said second port (Figures 1 and 2).

As to Claims 29,31,34, with respect to Figures 1-3, **Stork** teaches an arrangement for retrieving

messages from a telephone-answering system, 305, comprising:

a network, 301,

a user device, 304,

a first coupler, 307, that encrypts signals sent out by said user device to form encrypted

signals and forward the encrypted signals to said network (Figure 1),

a second coupler, 320, for receiving said encrypted signals from said network, decrypting

the encrypted signals to form recovered signals, and applying said recovered signals to said

telephone-answering system (Figures 1-2).

As to Claims 35,40-41,43-44, with respect to Figures 1-3, **Stork** teaches a method carried out in

a coupler, for accessing a telephone-answering system comprising the steps of:

receiving a message at a first port, 310, (Figure 1, label 103);

ascertaining whether said message corresponds to a bona fide access request (Figure 1,

label 103);

when said step of ascertaining determines that said message corresponds to a bona

fide access request, forwarding an alert to a second port, 301, that is conditioned to place a

telephone answering system, 305, connected to said second port in a message retrieval mode

(Col. 3, lines 13-17);

communicating prompt messages received from said second port to said first port (Col. 2,

lines 23-28);

communicating response messages received from said first port (Col. 2, lines 35-43);

encrypting stored messages received at said second port in response to said

response messages to form encrypted messages (Col. 2, lines 60-65); and

communicating said encrypted messages to said first port (Figure 2 and Col. 3, lines 31-

38).

Response to Arguments

8. Applicant's arguments filed 1/8/04 have been fully considered but they are not persuasive

because of the following:

(a) **Stork** does not teach Claim 1. Examiner respectfully disagrees.

First, this is because a user uses the microphone to speak a message which is recorded

in receiver 305 identified as a telephone answering machine. This interaction is shown clearly in

Figure 1, labels 104,105. Applicants did not identify any particular interaction that might be

different so as to distinguish from the above.

Second, the wire, 307-310, is a circuit as defined in Newton's. This wire has resistive

and other electrical components and carries electrical signals.

Third, the wire, 307-301, is another circuit as defined in Newtons. Even though it

might traverse a PSTN it is just a wireline or wireless path through the PSTN connecting the

receiver 305.

Fourth, the flowchart does show connectivity. Label 104 of Figure 1 shows

connectivity between the microphone and the encryption logic over the circuit 307-310. Label

105 shows connectivity between the encryption logic and the receiver over the circuit 307-301.

The flowchart is not a phantom circuit but part of an inherent microprocessor which controls the

operation of the transmitter. This is because each block of Figure 1 represents a processing step

(Col. 1, lines 16-22).

In addition, a sender hears prompts or greetings (dialing) from the receiver (Col. 4, lines 42-46 and Col. 2, lines 24-28). This teaching inherently suggests that the microphone is associated with a speaker so that a sender can hear the prompts from the receiver over circuit 310-307 (see Col. 4, lines 29-31). Thus the flowchart allows the sender to hear dialing over circuit 310-307 (see also Col. 4, lines 37-48).

Examiner did identify receiver, 305, as the recited telephone answering machine. As discussed above, it is clear that the flowchart controls the setting up of connections between the sender's unit, 304, and receiver unit, 305, and recording of encrypted voice messages from the sender's unit.

Examiner respectfully believes that the explanations above will show Applicants how **Stork** was read on the recited limitations of Claim 1.

With respect to Claim 2, only "all signals set for delivery" are required to be encrypted. As taught by **Stork**, when encryption is selected all voice signals for delivery are encrypted (Col. 4, lines 32-36).

As shown in the above responses and with respect to Claim 6, the microphone is connected to the receiver (telephone answering device) over the circuits so that a sender's voice signals can be recorded (Figure 1, label 104).

With respect to Claim 9, the sender determines whether voice signals should be recorded and selects the certification mode which is controlled by the flowchart (Figure 1, label 103 and Col. 2, lines 35-40).

With respect to Claim 10, Examiner believes that the arguments were addressed above with respect to the prompts the sender hears from the receiver.

With respect to Claim 14, **Stork** teaches that Figure 3 could be a transceiver. Therefore, the microphone is an analog port on the transceiver and telephone answering system, 305, (Col. 5, lines 25-32). Thus, in a transceiver, the transmitter, 304, couples the microphone to the telephone answering system, 305. In, the transceiver embodiment, the circuit 307-310 does not include the PSTN. Arguments with respect to ringing signals have been addressed above.

With respect to Claim 17, **Stork** teaches that the 'voice signal is encrypted and sent as it is spoken". This means that the voice signals received by the microphone have to be converted to digital signals before they are encrypted for transmission. Therefore, there is an inherent A/D process in circuit 307-310 and associated with the microphone before encryption can occur (see also Col. 7, lines 10-13).

Examiner could not find any description of an 'interface circuit that conditions' in the disclosure. Applicants should point out where in the disclosure where such a circuit is taught. With respect to Claim 17, Examiner believes that the sub-processes for encryption are conditioning processes (see Col. 3, lines 2-9).

With respect to Claim 18, a port is a connection point (see the Disclosure, Figure 1, label 26). The connection point of the mircrophone to circuit 310-307 is the first port. The connection point of path 301 to the receiver 305 is the second port. Examiner respectfully believes that the remaining arguments were addressed above.

With respect to Claims 25 and 26, encryption module is both a circuit module (Figure 3) and a software module (Col. 3, lines 1-9).

With respect to Claims 35-43, Examiner respectfully believes that the responses above will help Applicants to see how **Stork** was applied to the claims.

(b) Throughout the arguments and responses in (a) above, Examiner found that the disclosure

did not help in identifying first port, second port, third port, etc. in order to understand the flow

of the claims with respect to the arguments. The disclosure identifies two ports, port 26 and port

27 in Figure 1. With respect to Claim 17, if port 26 is labeled a first port, then it does not appear

that controller 25 communicates digitally with port 26 as recited in the claim. Any digital

processes takes place in the interface circuit 21. Communication between the controller 25 and

interface circuit 21 is digital. Between interface circuit and port 26 it is analog. Similarly, for

claim 35 it does not appear that encrypted messages are sent to port 26. Therefore, it would be

helpful if Applicants could identify which is the first port, etc. for each of the independent claims

so that Examiner can properly apply **Stork** with respect to the Claims. In this regard, Examiner

has maintained this Office Action as Non-Final with additional 35 USC 112 rejections with the

objective that Applicants will identify first port, second port, etc.

(c) Examiner respectfully invites Applicants to contact Examiner to discuss possible

amendments for overcoming the prior art of record.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Newton's Telecom Dictionary, Definition of 'Circuit', Page 179.

Kittirutsunetorn (US 5,051,720) teaches transmitting messages using encryption and

decryption.

10. Any response to this action should be mailed to:

> Commissioner of Patents and Trademarks
> Washington, D.C. 20231
> **or faxed to:**
>
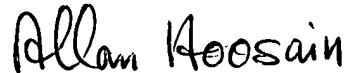> (703) 872-9314, (for formal communications intended for entry)

Or:

> (703) 306-0377 (for customer service assistance)
>
> Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
> Arlington. VA., Sixth Floor (Receptionist).

       Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

       Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain
Primary Examiner
2/10/04